

# ATTACHMENT 56

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2                   THE VIDEOGRAPHER: Good                   09:03:47  
3                   morning. We are going on the                   09:03:49  
4                   record at 9:03 a.m. on Monday,                   09:03:50  
5                   March 20, 2023. Please note that                   09:03:54  
6                   this deposition is being conducted                   09:03:57  
7                   virtually. Quality of recording                   09:03:59  
8                   depends on the quality of camera                   09:04:02  
9                   and internet connection of                   09:04:03  
10                  participants. What is seen from                   09:04:05  
11                  the witness and what is heard on                   09:04:07  
12                  screen is what will be recorded.                   09:04:10  
13                  Audio and video recording will                   09:04:12  
14                  continue to take place unless all                   09:04:12  
15                  parties agree to go off the record.                   09:04:12  
16                  This is media unit one of the                   09:04:12  
17                  video recorded deposition of                   09:04:18  
18                  Dr. Russell Lamb in the matter of                   09:04:18  
19                  Surgical Instrument Service                   09:04:25  
20                  Company, Incorporated versus                   09:04:25  
21                  Intuitive Surgical, Incorporated,                   09:04:27  
22                  filed in the United States District                   09:04:30

23 Court, northern district of 09:04:33  
24 California, district of San 09:04:34  
25 Francisco, case number 09:04:37

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2 3:21cv03496VC. 09:04:37  
3 This deposition is being 09:04:44  
4 conducted remotely using virtual 09:04:45  
5 technology. My name is Chelsea 09:04:47  
6 Gilchrist, representing Veritext 09:04:51  
7 Legal Solutions, and I am the 09:04:54  
8 videographer. The court reporter 09:04:55  
9 is Jeremy Richman from the firm 09:04:55  
10 Veritext Legal Solutions. I am not 09:04:57  
11 authorized to administer an oath, I 09:05:00  
12 am not related to any party in this 09:05:03  
13 action, nor am I financially 09:05:06  
14 interested in the outcome. 09:05:09  
15 All appearances will be noted 09:05:12  
16 on the stenographic record. Will 09:05:14  
17 the court reporter please swear in 09:05:16  
18 the witness. 09:05:17  
19 RUSSELL LAMB, having been 09:05:22  
20 called as a witness, having first 09:05:22

18 writing fast enough. 09:37:42  
19 A. Repairers -- third-party 09:37:46  
20 repairers (such as SIS). 09:37:50  
21 Q. Okay. So further evidence 09:37:53  
22 indicates that these third-party 09:37:59  
23 repairers (such as SIS) operate on a 09:38:00  
24 national basis? 09:38:06  
25 A. Correct. 09:38:07

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1  
2 Q. Okay, thank you. Other than 09:38:08  
3 those two, anything else that you would 09:38:13  
4 like to correct today? 09:38:15  
5 A. Not as I sit here at this 09:38:16  
6 moment, no. 09:38:20  
7 Q. In you see something today, 09:38:21  
8 please feel free to speak up as we go 09:38:23  
9 through your report, okay? 09:38:27  
10 A. Okay. 09:38:30  
11 Q. So I'd like to ask you a few 09:38:30  
12 questions about the opinions you're 09:38:33  
13 offering in the case? 09:38:35  
14 A. Okay. 09:38:35  
15 Q. So are you offering any 09:38:36

16      opinions in this case about the safety                    09:38:37  
17      of the EndoWrist services that                            09:38:40  
18      third-party companies like SIS perform?                09:38:42  
19                  A.      That would be beyond the                09:38:49  
20                  scope of my expertise, I'm not offering        09:38:53  
21                  any opinions about safety.                        09:38:55  
22                  Q.      Are you offering any opinions            09:38:57  
23                  as to whether FDA clearance is required        09:38:58  
24                  for the services that third-party                09:39:01  
25                  companies like SIS perform?                        09:39:06

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2                  A.      No, that would be beyond the        09:39:07  
3                  scope of my expertise.                            09:39:09  
4                  Q.      Are you offering any opinions        09:39:13  
5                  about the number of times that an                09:39:14  
6                  EndoWrist instrument can be used                09:39:17  
7                  safely?    09:39:20  
8                  A.      No, that would require an                09:39:20  
9                  opinion about safety, and I'm not                09:39:25  
10                 offering any opinions about the safety        09:39:27  
11                 of EndoWrist instruments. I would note        09:39:29  
12                 just for the record that I somewhere in        09:39:32

13 my report discuss the number of uses 09:39:34  
14 that Intuitive permitted for the 09:39:39  
15 EndoWrist instruments, it changed from 09:39:48  
16 ten, which I think is essentially 09:39:51  
17 across the board to slightly more uses 09:39:52  
18 for EndoWrist instruments and I discuss 09:39:56  
19 that somewhere in my report, but that's 09:39:57  
20 just a recitation of a fact from based 09:40:00  
21 on a document, it's not an opinion. 09:40:02  
  
22 Q. In forming your opinions in 09:40:04  
23 your report of the SIS case, did 09:40:14  
24 counsel provide you with any 09:40:16  
25 assumptions that they asked you to make 09:40:18

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1  
2 for your opinions? 09:40:20  
3 A. I can't recall any as I sit 09:40:25  
4 here today. 09:40:27  
  
5 Q. In reaching your opinions in 09:40:35  
6 this case, is it relevant to you what 09:40:42  
7 the opinions are of hospitals regarding 09:40:46  
8 the services that the third-party 09:40:48  
9 repairers provide? 09:40:53  
10 A. I'm not sure what you mean by 09:40:54